

REMARKS

In view of the following remarks, reconsideration of the rejections contained in the Office Action of June 23, 2011 is respectfully requested.

In item 1 of the Office Action, the Examiner again rejected claims 6-9 and 20 as being unpatentable over the Imbert reference (USP 6,027,482). In setting forth the rejection, the Examiner acknowledged that the Imbert reference does not disclose a cylindrical connection member that is secured to a lure tip in a first or a second position. The Examiner also *implied* that the Imbert reference does not disclose a connection supporting member having a base *with a hole therein* for allowing the lure to pass therethrough, in which the base has *a plurality of slits extending radially outward from the hole*, as recited in independent claim 6 and illustrated in Figure 4. However, the Examiner asserted that these features would be obvious to one of ordinary skill in the art. The Applicants disagree for the following reasons.

Firstly, the Examiner did not even attempt to explain or provide any rationale to support his apparent position that it is obvious to provide a connection supporting member that is slidably provided on a lure or a syringe body so as to be *movable between a first position near a tip of the lure and whereat the connection supporting member is secured to the lure, and a second position away from the tip of the lure and whereat the connection supporting member is secured to the lure*. The Imbert reference does not disclose or suggest this feature, and the “connection supporting member” 44 (i.e., retaining luer collar) of the Imbert reference is not configured so as to be movable between a first position where the connection member is secured to the lure and a second position where the connection supporting member is also secured to the lure, in which the first position is near the tip of the lure and the second position is away from the tip of the lure. Therefore, because the Imbert reference does not disclose or even suggest this feature, and because the Examiner has provided no rational basis as to why this feature would be obvious to one of ordinary skill in the art, it is submitted that independent claim 6 is distinguishable from the prior art for this reason.

Secondly, the Examiner implied (but did not explicitly state) that the Imbert reference does not disclose a connection supporting member having a base *with a hole therein, in which the base has a plurality of slits extending radially outward from the hole*. As explained in paragraph [0001] of the present specification, an important objective of the present invention is to enhance syringe versatility. In this regard, the connection supporting member having the base

with the hole and the slits extending radially outward from the hole allows a lure having a wider stopper portion to easily pass through the hole in the connection supporting member because the slits allow slight deformation in the base portion of the connection supporting member. Thus, syringe versatility is enhanced because various lures with wider portions can be utilized, and the connection supporting member will still provide ample support and holding force for the lure.

Although the Examiner implicitly acknowledged that the Imbert reference does not disclose or suggest a connection supporting member having a base with a hole therein and a having a plurality of slits extending radially outward from the hole as required by independent claim 6, the Examiner asserted that such a feature would be obvious because a bore (i.e., hole) with “radially organized slits” is common in connection mechanisms in the art. Although the Examiner did not “officially” reject claims 6 and 20 over a combination of prior art references including the Imbert reference, the Examiner referred to the JP ‘675 reference (JP 2003-325675) as providing support for his assertion that “radially organized slits” extending from “bores” are common in connection mechanisms. As will be explained below, the Applicants disagree with the Examiner’s position. In particular, the JP ‘675 reference does not provide any support for the Examiner’s position, and therefore the Examiner’s assertion of obviousness is based on nothing more than improper hindsight.

Because the Examiner did not provide any detailed comments regarding the JP ‘675 reference, it is impossible to directly respond to the Examiner’s position. It is noted that Figures 1-6 of the JP ‘675 reference illustrate a first typical embodiment of the invention disclosed therein. In particular, a lure 105 is held by a connection supporting member 102 having a hole with no slits extending radially outward from the hole. It therefore *appears* as though the Examiner is referring to the rubber valve element 11 as having slits. As illustrated in Figure 6, the rubber valve element 11 has only a *single*, linear slit 14 in the center thereof, but no hole. There is no hole because the purpose of the valve element 11 is to prevent leakage through the injector connection port before, after, and while the lure 105 is inserted. In other words, the slit 14 opens to allow the lure 105 to be inserted through the rubber valve element 11, but otherwise remains closed so as to prevent leakage. For the following reasons, the JP ‘675 reference fails to support the Examiner’s position that “radially organized slits” are common in connection mechanisms.

(1) The slit 14 of the JP '675 reference is part of a *valve element*, and not part of the connection supporting member 102. Therefore, although this feature might suggest something about the structure of a *valve element*, this feature provides no indication that even a single slit in a *connection supporting member* would be obvious.

(2) The single slit in the JP '675 reference does not extend radially outward from a *hole*. In fact, as noted above, the purpose of providing a slit is to avoid the necessity of providing a hole and thereby preventing leakage. Because providing a hole in the valve element 11 of the JP '675 reference would result in substantial leakage, it is submitted that the JP '675 reference actually *teaches away* from providing a base with a hole therein as required by independent claim 6. Alternatively, the slit 14 can be interpreted as a collapsible hole, in which case the JP '675 reference does not teach any slits extending from such a hole.

(3) As noted above, only a *single slit* is provided in the rubber valve element 11. Providing a *plurality of slits* as required in independent claim 6 could potentially increase the risk of leakage, which is contrary to the purpose of the JP '675 reference. Thus, the JP '675 reference again teaches away from the arrangement of features recited in independent claim 6.

(4) The structure of the JP '675 reference is fundamentally different than the medical syringe recited in independent claim 6. In particular, the valve element 11 is provided in order to prevent leakage, while the connection supporting member of the present invention is provided to increase the holding force of the lure when the syringe unit is connected to the connection target. Therefore, one of ordinary skill in the art would not even look to the valve element 11 of the JP '675 reference in an effort to find any features that could be incorporated into the medical syringe of independent claim 6.

The Applicants strongly disagree with the assertion of the Examiner that providing a connection supporting member of a medical syringe having a base with a hole and a plurality of slits extending radially outward from the hole would be obvious. In particular, the Imbert reference has no teaching of this feature, and the Examiner has provided no reasoning to support his position other than to briefly and vaguely refer to the JP '675 reference. Thus, to the extent that the Examiner is not actually relying on the JP '675 reference, it is submitted that the Examiner's position is mere hindsight with no rational basis. To the extent that the Examiner is intending to rely on the JP '675 reference to support his position, the cited JP '675 reference does not support the Examiner's conclusion for the reasons outlined above. Therefore, the Applicants

respectfully disagree with the Examiner's position, and assert that independent claim 6 and the claims that depend therefrom are clearly patentable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

Susumu HONGO et al.
/W. Douglas Hahm/
2011.09.20 15:04:27

By _____
-04'00'
W. Douglas Hahm
Registration No. 44,142
Attorney for Applicants

WDH/jmj
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 20, 2011